

**DECISION**



26039  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:** B-212705

**DATE:** August 22, 1983

**MATTER OF:** Codex Corporation

**DIGEST:**

Protest questioning contracting officer's affirmative determination of responsibility is dismissed because GAO does not review such determinations in absence of showing of reasonable fraud or that definitive responsibility criteria in solicitation were misapplied, circumstances not present here.

Codex Corporation (Codex) protests the award of contract No. TIR 83-109 to Penril Corporation (Penril) under solicitation No. IRS 83-045 issued by the Internal Revenue Service.

Codex alleges that Penril does not have the equipment or ability to meet the specifications and otherwise is not responsible.

The protest essentially challenges the procuring agency's affirmative determination of Penril's responsibility, a matter which our Office will not review unless there is a showing of possible fraud on the part of the procuring officials or the solicitation contains definitive responsibility criteria which the procuring officials have allegedly failed to apply. Keco Industries, Inc., B-204719, July 6, 1982, 82-2 CPD 16. Neither circumstance is present here.

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel

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